

**TOWN OF DAVIE
REGULAR MEETING
MARCH 1, 2006**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:12 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Hubert and Councilmembers Crowley, Paul and Starkey. Also present were Acting Town Administrator Cohen, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Mayor Truex advised of the rules for the Open Public Meeting.

Ms. Woods raised various complaints about the Town's shuttle bus and requested that Council change this subcontractor. Mr. Cohen advised that he was awaiting the Police Department's statement on these complaints.

Christina Anderson, a resident of the Arboretum development, asked whether the 15-foot landscape buffer behind her property could be shortened or relocated. Mayor Truex advised that staff would respond to this. Councilmember Crowley wanted to attend the relevant meetings and suggested getting the Water Control District involved.

Fred Segal advised that the Broward County Farm Bureau would donate \$20,000 toward the Town's purchase of a farm park. Councilmember Paul advised that Broward County had classified the farm park as green space and allocated another \$1.5 million toward acquisition.

Don Prichard, 1651 SW 116 Avenue, commended the Town on the Orange Blossom Festival.

Dianne Payne, 13000 SW 14 Place, asked to speak regarding Lorson Estates. Mayor Truex advised that residents could speak on this later in the public hearing.

Bryan Caletka, 6332 SW 39 Court, spoke regarding the District 1 Council race and of crime in that district. He requested a stronger police presence in the area.

John Ladue, 2961 SW 111 Terrace, voiced his concerns about the lack of privacy due to the walk path behind his property. Town Engineer Larry Peters advised that GL Homes had agreed to put in more landscaping but had not yet done so. Councilmember Starkey requested staff's help in moving this forward. Mr. Cohen stated that staff would set up a meeting with GL Homes. Councilmember Starkey requested information so she could attend.

Marie Kaplan, 5721 SW 54 Court, endorsed Bryan Caletka for the District 1 race.

Marlon Luis, 13251 SW 16 Court, endorsed Vice-Mayor Hubert for District 1. He voiced his concerns about previous Town Administrator Christopher Kovanes.

John Pisula, 2933 SW 136 Avenue, endorsed Vice-Mayor Hubert for District 1.

Mr. Kiar spoke of his service to the Town and of his integrity. He also spoke of his previous representation of Mr. Kovanes on a family law matter and stressed that this had not presented a conflict of interest with his role in the Town. Mr. Kiar advised that his office had set a policy to not represent any Councilmember or administrative employee. Councilmember Starkey asked that Mr. Kiar amend his contract to reflect this new policy. She requested that an ordinance be passed to prevent Mr. Kiar from conducting business with employees. Mr. Kiar agreed to amend his contract accordingly. Mayor Truex requested placing this as an Old Business item on the next agenda.

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4. PRESENTATIONS

4.1. Florida Power & Light (FPL) - Ben Wesley

Ben Wesley, representing FPL, summarized FPL's efforts to strengthen the Town's electrical grid to handle future severe weather conditions and advised that FPL was adopting new safety codes to withstand winds up to 150 mph. He stated that this improvement would provide the strongest safety standards in the nation. Mr. Wesley spoke of inspections to be conducted on all wood poles and inspections of poles provided by other utilities. He requested Council's approval of these projects.

Mayor Truex asked how residents could report pole problems on their streets. Mr. Wesley asked that the Town provide this information. Mr. Cohen added that the Town would provide the main number and information on the Town's website. Councilmember Paul advised that residents could take the number off the metal tabs on poles, which would help FPL locate poles correctly.

4.2. FDOT Turnpike & Stirling Road Interchange - Henry Pinzon, P.E.

Henry Pinzon, representing FDOT, spoke regarding the Stirling Road interchange. Councilmember Starkey requested that any improvements include a sound wall at the south portion of the Turnpike along with landscaping. She indicated that she would not support any Turnpike improvements without these conditions being met.

Mr. Murray, of Edwards and Kelsey - an FDOT consultant, advised that various agencies had formed a coalition to study various alternatives to improving the system. He indicated that public workshops would be held for public input. Councilmember Crowley asked whether the Seminoles would give up land for the interchange. Mr. Murray advised that this was being analyzed.

Councilmember Starkey asked whether the Town should pass a resolution stating Council could not support the project without the wall and landscaping included. Councilmember Crowley agreed.

Mayor Truex wanted the system to send cars into the casino but keep traffic off Stirling Road. Councilmember Crowley wanted the bulk of improvements on the east side of the Turnpike. He spoke of improvements he wanted on the east side of the property.

Mayor Truex advised that staff was requesting that item 7.2 be tabled to March 22, 2006.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to table. In a voice vote, with Councilmember Crowley dissenting, all voted in favor. (Motion carried 4-1)

Mayor Truex advised that staff was requesting that item 7.3 be tabled to May 3, 2006.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that staff was requesting that item 7.9 be tabled to March 22, 2006.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

5. APPROVAL OF CONSENT AGENDA

Minutes

5.1. January 18, 2006 (Regular Meeting)

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Resolutions

- 5.2. **SUNRISE WATER SYSTEM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, DISCONTINUING THE PROCESS OF ACQUIRING THAT PORTION OF THE SUNRISE WATER SYSTEM LOCATED IN THE TOWN OF DAVIE. (tabled from February 15, 2006)
- R-2006-58
- 5.3. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS THE PLAZA; AND PROVIDING AN EFFECTIVE DATE. (DG 4-1-05, The Plaza, 11200 State Road 84) (tabled from February 15, 2006)
- R-2006-59
- 5.4. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE NON-VEHICULAR ACCESS LINE OF THE "MEEKS FARMS" PLAT, AND PROVIDING AN EFFECTIVE DATE. (DG 2-2-06, Lakeside Town Shops, 5700 South University Drive)
- R-2006-60
- 5.5. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BROWARD COUNTY SCHOOL BOARD FOR THE PROVISION OF SUMMER FOOD MEAL SERVICE FOR THE TOWN'S FLORIDA DEPARTMENT OF EDUCATION SUMMER FOOD SERVICE PROGRAM.
- R-2006-61
- 5.6. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE TOWN COUNCIL TO EXECUTE AN INDEMNIFICATION AND REIMBURSEMENT AGREEMENT BETWEEN THE TOWN OF DAVIE ("Town"), AND WASTE MANAGEMENT, INC. OF FLORIDA ("WMIF"), AND PROVIDING FOR AN EFFECTIVE DATE.
- R-2006-62
- 5.7. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH DUNLAP & ASSOCIATES, INC. FOR FINANCIAL CONSULTING SERVICES.
- R-2006-63
- 5.8. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR REMOVAL OF ARSENIC CONTAMINATED SOIL AT MATH IGLER PROPERTY. (Tank Tek, Inc - \$20,500)
- R-2006-64
- 5.9. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID, AND AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A CONTRACT FOR "UPGRADING THE FILTER SYSTEM AT THE PINE ISLAND AQUATIC CENTER." (Widell, Inc. - \$238,400)
- R-2006-65
- 5.10. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION OF THE CONTRACT BETWEEN THE TOWN AND THE AIR DOCTOR FOR AIR CONDITIONING MAINTENANCE AND REPAIR SERVICES. (\$10,000/year)
- R-2006-66

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- 5.11. **EASEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-67 GRANTING A 15' UTILITY EASEMENT FROM TOWN OF DAVIE, PROPERTY
OWNER TO CITY OF SUNRISE; AND PROVIDING AN EFFECTIVE DATE.
- 5.12. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A
PLAT KNOWN AS THE "LORSON ESTATES" AND AUTHORIZING THE MAYOR
AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE
MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND
PROVIDING AN EFFECTIVE DATE. (P 8-3-04, Lorson Estates, 1275 SW 130
Avenue) *Planning and Zoning Board recommended denial*
- 5.13. **DEVELOPERS AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2006-68 FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO
ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND THE
WHISPERING PINES RESIDENTIAL ASSOCIATION INC. FOR THE PLACEMENT
OF AN ENTRANCE MONUMENT SIGN, LANDSCAPING WITHIN THE TOWN'S
RIGHT-OF-WAY; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 9-1-05,
Whispering Pines, located along eastern portion of SW 33 Place)
- 5.14. **DEVELOPERS AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,
R-2006-69 FLORIDA, AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR
TO ENTER INTO A REGIONAL ROAD CONCURRENCY AGREEMENT
BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND DIAMOND III
LLC, FOR THE CONSTRUCTION OF IMPROVEMENTS RELATING TO THE
DIAMOND 5 PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING
THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN
EFFECTIVE DATE. (DA 1-1-06, Diamond III, 10230 West State Road 7)
- 5.15. **AUTHORIZATION OF EXPENDITURE** - A RESOLUTION OF THE TOWN OF
R-2006-70 DAVIE, FLORIDA, REQUESTING AUTHORIZATION FOR THE EXPENDITURE
OF LAW ENFORCEMENT TRUST FUNDS TO PURCHASE SPEED
ENFORCEMENT EQUIPMENT (not to exceed \$25,000 for radar units) AND TO
COMPENSATE OFFICERS FOR DIRECTED PATROLS AND TRAFFIC
ENFORCEMENT ACTIVITIES (\$30,000 in staffing costs).
- 5.16. **SUPPORT PETITION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
R-2006-71 EXPRESSING SUPPORT FOR A PETITION FILED BY THE CITIES OF
HOLLYWOOD AND DANIA BEACH FOR THE COURT'S REVIEW OF THE
FEDERAL AVIATION ADMINISTRATION'S DECISION TO CHANGE THE
CURRENT RUNWAY UTILIZATION PROCEDURES AT THE FORT
LAUDERDALE/ HOLLYWOOD INTERNATIONAL AIRPORT TO ALLOW THE
INTENSIFICATION OF THE USE OF RUNWAY 13/31 AND RUNWAY 9R/27L
WITHOUT CONDUCTING AN ENVIRONMENTAL ASSESSMENT OF THE
IMPACTS TO RESIDENTS OF BROWARD COUNTY; AND PROVIDING FOR AN
EFFECTIVE DATE.

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Quasi-Judicial Consent Agenda

5.17. SP 4-10-05, Hollywood Video/Wendy's, 11200 State Road 84 (B-2) (tabled from February 15, 2006) *Site Plan Committee recommended approval based on the planning report with the following recommendations: 1) move the "drop-off" box for Hollywood Video to an area outside the green landscape areas or provide a "hardscape" through the landscape area to the drop-off box; 2) move the sidewalk from the south parking area to the south connector to the Wendy's up against the end parking space and create an island landscape area instead; 3) place the restriction that there will be no interior neon lighting provided on the windows; 4) the windows would not be blocked off with films or graphics; 5) provide a paver or a striped crosswalk going from the rear access service area of Wendy's to the dumpster area; 6) make the raised "finger" area a paved area as well since landscaping would not fit into it due to the crosswalk; and 7) enhance the landscaping with shrubbery at the common entrance feature*

5.18. SP 8-12-04, Lorson Estates, 1275 SW 130 Avenue (A-1) *Site Plan Committee recommended approval based on the planning report and the rezoning; that on the site plan, take the entrance feature wall and mirror it on both sides of the entry and increase it to approximately 35-feet long in order to buffer the side entry garages; access lot number four from the side street; label models on the floor plan so that they are clear; readdress the landscaping along the perimeter buffers, specifically SW 14 Street, because it does not appear to be any type of buffer to the neighbors across the street; on model number one, add shutters to the front window, look at the gable over the garage, correct the rear elevation and make it correct to the actual configuration; on model two, look at the front fake balcony as possibly being a real balcony or a large recessed window; show the "box outs" on the floor plan that represent the architectural elements on the front; offer three different colors for the brick pavers for the driveways; add windows with some decoration to each garage; and show the roof slope at "4 to 12" and would recommend a steeper slope to give it more presence*

Vice-Mayor Hubert pulled item 5.12. Mayor Truex pulled item 5.18. Councilmember Starkey pulled items 5.3, 5.16, and 5.17. Mayor Truex pulled item 5.9.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve the Consent Agenda minus items 5.3, 5.9, 5.12, 5.16, 5.17, and 5.18. In a voice vote, all voted in favor. (Motion carried 5-0)

6. DISCUSSION OF CONSENT AGENDA ITEMS

5.12, 5.18, and 7.5 Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Planning and Zoning Manager Bruce Dell summarized the planning report. Vice-Mayor Hubert asked whether the applicant was asking for less than allowed. Mr. Dell responded in the affirmative. Mayor Truex asked why the applicant was not asking for R-3.

Dennis Mele, representing the applicant, explained features of the site plan with regard to land use designations. He advised that his client was entitled to build between three and five units per acre.

Mayor Truex asked if this could be rezoned to R-4. Mr. Mele responded in the affirmative. Mayor Truex asked whether the applicant could be restricted from changing his mind and building townhouses in the future. Mr. Mele stated that his client would be willing to deed restrict to build 11 single-family homes.

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Councilmember Paul voiced her concern about the applicant's previous offer to build eight homes. Mr. Mele advised that eight units were not suited to the property. Councilmember Paul asked staff about the number of trips anticipated. Mr. Dell advised that up to 23 cars could be anticipated on any given morning but he felt the chances of this many trips were minimal.

Councilmember Crowley asked whether Mr. Mele had suggested that the Town remain consistent with its future Land Use Plan. Mr. Mele responded in the affirmative.

Vice-Mayor Hubert asked about meetings held with residents. Manny Synalovski, the architect representing the applicant, spoke of the progress of meetings held with residents.

Mayor Truex asked whether Criteria E in the Town's Code compared what the applicant was proposing to build versus what existed currently. Mr. Dell explained that the total number of trips that the road could handle would be compared to what was currently there plus what was being added.

Mr. Kiar opened the public hearing.

Dianne Payne, 13000 SW 14 Place, spoke in opposition to the project.

Bob Muccio, 13501 SW 14 Place, entered photographs into evidence and spoke in opposition to the project.

Carmen Inman, 13510 SW 16 Court, spoke in opposition to the project.

Danny Erhart, 13021 SW 14 Place, spoke in opposition to the project.

Dennis Morgan, 1110 SW 129 Place, spoke in opposition to the project.

Theresa Gillan, 12101 SW 14 Place, read aloud her position against the project.

Sandra DePompa, 13411 SW 14 Place, spoke in opposition to the project.

Jim Andrews, 1211 SW 129 Lane, spoke in opposition to the project.

Karyn Hill, 1121 SW 129 Place, spoke in opposition to the project.

Laura DellaPenta, 12900 SW 13 Manor, spoke in opposition to the project.

Robert Gaines, 13510 SW 14 Place, spoke in opposition to the project.

Kathleen Foster, 1300 SW 129 Place, spoke in opposition to the project.

Chip Osborn, 1401 SW 129 Road, spoke in opposition to the project.

Michelle Justice, 12121 SW 14 Court, spoke in opposition to the project.

Cheryl Zagacki, 13410 SW 14 Place, spoke in opposition to the project.

Harry Houseman, 13251 SW 14 Street, spoke in opposition to the project.

Greg Brilliant, 13001 SW 16 Court, spoke in opposition to the project.

George Gall, 12951 SW 13 Street spoke in opposition to the project.

Mr. Mele addressed the residents' comments.

Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Councilmember Paul had received emails from residents and had spoken with Mike Bender from the Planning & Zoning Board. Councilmember Starkey had spoken with the applicant, Mr. Mele, Mr. Laystrom, and residents. Mayor Truex had the same disclosures as Councilmember Starkey. Councilmember Crowley had spoken with Mr. Mele and the engineer for the project. Vice-Mayor Hubert had spoken with Mr. Bender

Mayor Truex asked whether the Town had an R-4 zoning category. Mr. Dell responded in the affirmative. Mayor Truex asked if the applicant's plans would fit within an R-4 zoning. Mr. Mele explained the difference between R-4 and R-5 and indicated that the lots that were less than 8,500 square feet would not meet the R-4. Discussion followed on zoning categories R-4, RM-4 and R-5.

Vice-Mayor Hubert was displeased with the appearance of the facades. Mr. Mele advised the applicant could make adjustments to better fit the Florida vernacular style.

Councilmember Paul reminded Council of her continued requests for a master plan review and Code rewrite. She spoke in opposition to the project.

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Councilmember Crowley asked whether a variance was needed to fill the lake on the site and voiced his concerns about drainage.

Councilmember Starkey felt it would be premature to move forward in light of the various issues raised by residents and Council. Mayor Truex pointed out that the applicant was entitled by law to a rezoning. He was not in favor of outright denial but was in favor of tabling. Mayor Truex stated that he did not want to say no outright and risk the Town ending up in court. Mr. Mele suggested tabling the three items to the first meeting in April, with the understanding that the request would come back along with a revised plat, a revised site plan and an R-4 zoning request. He indicated that another citizen meeting could be held.

Councilmember Paul made a motion to deny. The motion died due to the lack of a second.

5.12 Councilmember Starkey made a motion, seconded by Mayor Truex, to table to April 19, 2006, pending the approval and a test of the Central Broward Drainage District Commission, as well as a revised site plan to a possible rezoning to R-4 calculations and revising the plat and site plan, and notifying "all members of the public who had been here and meeting with the petitioner prior to." In a voice vote, with Councilmember Paul dissenting, all voted in favor. (Motion carried 4-1)

5.18 Councilmember Starkey made a motion, seconded by Mayor Truex, to table to April 19, 2006, pending the approval and a test of the Central Broward Drainage District Commission, as well as a revised site plan to a possible rezoning to R-4 calculations and revising the plat and site plan, and notifying "all members of the public who had been here and meeting with the petitioner prior to." In a voice vote, with Councilmember Paul dissenting, all voted in favor. (Motion carried 4-1)

7.5 Councilmember Starkey made a motion, seconded by Mayor Truex, to table to April 19, 2006, pending the approval and a test of the Central Broward Drainage District Commission, as well as a revised site plan to a possible rezoning to R-4 calculations and revising the plat and site plan, and notifying "all members of the public who had been here and meeting with the petitioner prior to." In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - no; Councilmember Starkey - yes (Motion carried 4-1)

5.3 & 5.17 Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Kutney summarized the planning report. Councilmember Starkey voiced her concerns about the lack of zoning history provided on this site. Mr. Kutney indicated that staff would provide more history on this site in future.

Councilmember Starkey announced that she had met with the applicant, the owners, the architect and the engineer of record.

Craig Jones, the architect, advised he had put together a history of the project, which he explained.

An unidentified man explained that the applicant's site plan was 1,739 square feet less than the original 30,000 extra square footage. Councilmember Starkey asked if the applicant would agree to include some landscaping to soften the wall along the drive-through. The unidentified man responded in the affirmative.

Mark Davies advised that he had spoken with the landscape architect regarding an appropriate species for the wall area.

Mr. Kiar opened the public hearing. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

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5.3 Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve, subject to Councilmember Starkey's recommendations, Site Plan Committee recommendations and staff recommendations and to including the e-mail from the applicant to Councilmember Starkey. In a voice vote, with Councilmember Paul dissenting, all voted in favor. (Motion carried 4-1)

Councilmember Paul indicated that she could not vote on an item if she did not have enough time to review the materials.

5.17 Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve, subject to Councilmember Starkey's recommendations, Site Plan Committee recommendations and staff recommendations and to including the e-mail from the applicant to Councilmember Starkey. In a voice vote, with Councilmember Paul dissenting, all voted in favor. (Motion carried 4-1)

5.9 Mayor Truex questioned whether the price was fair market as only one bid was presented. Public Works Director Bruce Bernard explained that only one bidder had responded.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

5.16 Councilmember Starkey advised that a minor correction was needed to the language. Attorney Andre Parke advised that the first clause should state 9R 27L instead of 9L 27R and advised that the same correction should be made to the Whereas clause.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert, to approve. In a voice vote, with Councilmember Starkey dissenting, all voted in favor. (Motion carried 4-1)

7. PUBLIC HEARING

Resolution

7.1. **QUIT CLAIM DEED - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,**
R-2006-72 **EXECUTING A QUIT CLAIM DEED TO CONVEY CERTAIN PROPERTY FROM**
THE TOWN OF DAVIE TO MELVIN AND HELEN HAGGARD; AND PROVIDING
AN EFFECTIVE DATE.

Town Clerk Muniz read the resolution by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

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Ordinance - First Reading (Second and Final Reading to be held March 22, 2006)

- 7.2. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 5-1-05 LONG KEY – FLAMINGO PARK, VACATING AND DEDICATING RIGHT-OF-WAYS AS SHOWN ON THE PLAT OF “FLORIDA FRUIT LANDS COMPANY’S SUBDIVISION NO. 1”, AS RECORDED IN PLAT BOOK 2, PAGES 17, OF THE PUBLIC RECORDS OF BROWARD COUNTY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (VA 5-1-05, Long Key-Flamingo Park, southwest corner of Flamingo Road and SW 36 Street) (tabled from January 4, 2006) *Planning and Zoning Board recommended approval contingent upon meetings with the resident and the retention for Bellsouth, if necessary*

This item was tabled earlier in the meeting.

Ordinances - First Reading (Second and Final Reading to be held at a later date)

- 7.3. **TRANSMITTAL** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL APPLICATION LA 11-1-05, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY CHANGING THE FUTURE LAND USE PLAN MAP DESIGNATION OF CERTAIN LANDS FROM “COMMERCIAL” TO RESIDENTIAL, 16 DU/AC”; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (LA 11-1-05, Herity Realty Group, LLC/Bank of America) *Local Planning Agency recommended denial*

This item was tabled earlier in the meeting.

- 7.4. **TRANSMITTAL** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING FOR TRANSMITTAL APPLICATION LABC-05-1A, AMENDING THE TOWN OF DAVIE COMPREHENSIVE PLAN BY ADDING THE LAND USE CATEGORY “TRANSIT ORIENTED CORRIDOR” AND ADDING NEW POLICIES RELATING TO THE TRANSIT ORIENTED CORRIDOR DESIGNATION; BY CHANGING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN LANDS FROM: “INDUSTRIAL”, “COMMERCIAL”, “COMMERCE/OFFICE”, “COMMUNITY FACILITY”, “RECREATION AND OPEN SPACE”, “TRANSPORTATION”, “UTILITY”, AND “RESIDENTIAL 10 DU/ACRE” TO: “TRANSIT ORIENTED CORRIDOR”; PROVIDING FOR INCLUSION; PROVIDING FOR SEVERABILITY; AND, PROVIDING FOR AN EFFECTIVE DATE. (tabled from February 15, 2006) *Local Planning Agency recommended approval*

Town Clerk Muniz read the ordinance by title.

Deputy Planning and Zoning Manager Marcie Nolan summarized the amended planning report focusing on Council’s previous concerns regarding density.

Mayor Truex thanked staff for addressing his previous concerns. He felt density should be aimed at reducing density in other areas. Mayor Truex asked Mr. Kiar if final approval required a supermajority vote. Mr. Kiar responded in the affirmative.

Councilmember Crowley wanted to hear from property owners who had been in that area for many years. He referred to Page 3 under Concurrency Considerations, and pointed out that the drainage location was in the eastern C-11 basin. Councilmember Crowley also corrected language to indicate that the allowable discharge was “3/4 inches per acre per day.”

Mayor Truex opened the public hearing portion of the meeting.

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Sam Poole spoke on behalf of the Forman family and supported staff's amendments to the plan.
Rod Feiner spoke on behalf of M&L Auto Salvage, and urged Council to approve the amended plan.

Michael Mannis supported the amended plan.

Steve Felden, representing Browser Holdings, supported the amended plan.

Mayor Truex closed the public hearing.

Vice-Mayor Hubert indicated she had spoken with owners in her district who were in favor of this plan.

Vice-Mayor Hubert made a motion, seconded by Councilmember Paul, to approve, with Councilmember Crowley's corrections. Councilmember Starkey commended staff, Ms. Nolan, the CRA, the Regional Planning Council and the Urban Land Institute for their efforts. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Ordinances - First Reading/Quasi Judicial (Second and Final Reading to be held March 22, 2006)

7.5. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 8-2-04, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO R-5, LOW MEDIUM DENSITY DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 8-2-04, Lorson One, LLC/POA, Acecon Construction Corp., 1275 SW 130 Avenue) (tabled from February 1, 2006) *Planning and Zoning Board recommended denial for the following reasons: that the proposed change will adversely affect living conditions in the neighborhood. The Board having received substantial credible evidence from those testifying determines that the proposed change will adversely affect the living conditions in this surrounding neighborhood; Subsection (e), the Board having received substantial credible evidence has determined that the proposed change will create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or otherwise affect the public safety; Subsection (i), the Board having received substantial credible evidence from those testifying believes that there is not substantial reasons why the property cannot be used in accord with the existing zoning; therefore, the Board respectfully moves that the rezoning be denied*

Earlier in the meeting, this item was tabled to April 19, 2006.

7.6. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 10-1-05 CHRISTIAN FELLOWSHIP CHURCH PLAT, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: CF, COMMUNITY FACILITIES DISTRICT; TO: R-5, LOW MEDIUM DWELLING DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-1-05, Hollingsbrook & Mather, Inc./Zoppelt, 1380 South Flamingo Road) *Planning and Zoning Board recommended approval*

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Town Clerk Muniz read the ordinance by title. Mayor Truex advised there would be a public hearing on the ordinance at the March 26, 2006 meeting. He turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Dell summarized the planning report.

Mr. Kiar opened the public hearing. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Wes Herring, representing the applicant, explained the request. He advised that staff had stated that no site plan or pictures were needed at this point. Vice-Mayor Hubert asked whether there would be a tot play area. Mr. Herring advised that green space would be set aside.

Mr. Kiar asked if the applicant would stipulate to a maximum density of no more than 15 units. Mr. Herring advised that the applicant was requesting an R-5 zoning and stipulated that there would be no more than 15 units.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Paul asked whether this property could be zoned as R-4. An unidentified man indicated that it could be R-4. Mr. Herring argued that with an R-4 zoning, there was no way to fit the number of houses and the applicant would have to return to Council.

Mayor Truex felt R-4 might be a better transition to the R-1 area to the south. Vice-Mayor Hubert stated that she would prefer a R-4 designation. Councilmember Starkey wanted to see a transition from the north. Councilmember Crowley stated that if this request was approved at R-5, he was concerned about a future landowner wanting to build townhomes. Mr. Dell responded that a rezoning would be needed. Mr. Herring was concerned about the required 85-foot setback under an R-4 zoning.

Vice-Mayor Hubert made a motion to deny unless the request was for an R-4 zoning. The motion died due to the lack of a second.

Vice-Mayor Hubert made a motion, seconded by Mayor Truex, to approve with an R-4 zoning. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Quasi Judicial Items

- 7.7. V 11-1-05, Markovich, 1070 Cedar Creek Way (PRD 3.8) (to reduce the rear setback from 25 feet by 7.5 feet so that an addition may be constructed with a rear setback of 17.5 feet) *Planning and Zoning Board recommended approval subject to verification of approval by the homeowner's association*

Earlier in the meeting, Mayor Truex turned this portion of the meeting over to Mr. Kiar who read the rules of evidence and swore in the witnesses. Development Services Director Mark Kutney summarized the planning report.

Mr. Markovich, representing the petitioner, explained the request.

Mr. Kiar opened the public hearing portion of the meeting.

Laura DellaPenta, 12900 SW 13 Manor, spoke in support of this request.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, supported the applicant's request.

Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Councilmember Paul advised she had spoken with Mr. Markovich.

Vice-Mayor Hubert made a motion, seconded by Mayor Truex, to approve. In a roll call vote, vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - out of room. (Motion carried 4-0)

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- 7.8. V 12-1-05, Lallouz, 3495 Meadowbrook Way (AG) (to reduce the side setback on the south side of the property from 35 feet to 30 feet so that an addition may be constructed in line with the 30 foot side setback of the existing home) *Planning and Zoning Board recommended approval and that before it goes to Council, there be some semblance of a landscape plan to be included in the package and get together with Mr. Abramson to give some idea of the landscaping to place around this project*

Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses.

Mr. Dell summarized the planning report.

Mr. Lallouz summarized the request and presented a copy of the homeowner's association approval letter. Councilmember Starkey had no objections to such requests as long as the new homeowner's association agreed.

Mr. Kiar opened the public hearing. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Councilmember Starkey advised she had spoken with the president of the HOA and with Mr. Dell.

Councilmember Starkey made a motion, seconded by Vice-Mayor Hubert, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Hubert - yes; Councilmember Crowley - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

Item to be tabled

- 7.9. **LOCAL PLANNING AGENCY TABLE TO FEBRUARY 8, 2006; COUNCIL CAN TABLE TO MARCH 15, 2006**

Evaluation and Appraisal Report

This item was tabled earlier in the meeting.

8. APPOINTMENTS

- 8.1. Education, Research and Training Authority (non-exclusive appointment; term expires May 2007)

No appointment was made.

- 8.2. Open Space Advisory Committee (one exclusive appointment - Vice-Mayor Hubert; term expires April 2006)

Vice-Mayor Hubert appointed Paul Greenbaum.

- 8.3. Parks and Recreation Advisory Board (one exclusive appointment - Mayor Truex, Councilmember Crowley, and Councilmember Paul; terms expire April 2006) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

Councilmember Paul appointed Stephen Waters.

- 8.4. School Advisory Board (one exclusive appointment - Vice-Mayor Hubert, Councilmember Paul and Councilmember Starkey; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

No appointments were made.

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- 8.5. Senior Citizen Advisory Committee (one exclusive appointment - Mayor Truex and Councilmember Paul; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

- 8.6. Water and Environmental Advisory Board (one exclusive appointment per Councilmember; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

Councilmember Paul appointed Donald Pritchard.

9. OLD BUSINESS

- 9.1. Community Chest

Councilmember Starkey requested that this item be tabled. Mayor Truex advised that Mr. Cohen would table this accordingly.

10. NEW BUSINESS

- 10.1. ERTA Board - Margaret Wu

Ms. Wu advised that the Council needed to make an appointment due to the passing of Dean Alexander. She explained the membership of ERTA. Councilmember Paul suggested that this be handled at the next meeting.

Councilmember Starkey spoke of the need for a Town representative and for more activity on this Board. Mr. Cohen provided background on ERTA and advised that staff would suggest names for Council to appoint at the next meeting.

11. MAYOR/COUNCILMEMBER'S COMMENTS

MAYOR TRUEX

DEAN ALEXANDER. Mayor Truex spoke of Mr. Alexander's passing and suggested naming the senior room at the Pine Island Multipurpose Center in his honor to acknowledge the work he did for the Town. Mr. Cohen agreed to contact the relevant parties to arrange this.

GRANT. Mayor Truex spoke of the pre-application meeting on March 7 for the Broward Beautiful grant. He requested posting this on the Town's website for the benefit of homeowner's associations.

COUNCILMEMBER CROWLEY

MEETING RESCHEDULING. Councilmember Crowley voiced his concern about Council's previous rescheduling of the second meeting in March.

Councilmember Crowley made a motion, seconded by Vice-Mayor Hubert to reconsider. In a voice vote, all voted in favor. (Motion carried 5-0)

Mr. Muniz explained the reasons for the delay in election results, which affected the Council meeting schedule.

Councilmember Paul made a motion, seconded by Vice-Mayor Hubert, to reschedule the second meeting in March to March 29, 2006 and to direct the Town Clerk to notify the public that all items tabled to March 22 were tabled to March 29, 2006.

COUNCILMEMBER PAUL

HORSE SHOW. Councilmember Paul announced that March 11th was the Project Stable Horse Show to benefit EASE Foundation.

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12. TOWN ADMINISTRATOR'S COMMENTS

No comments were made.

13. TOWN ATTORNEY'S COMMENTS

SPECIAL EXECUTIVE SESSION. Mr. Kiar requested an Executive Session to discuss a settlement proposal for Miller vs. Town of Davie. Council directed staff to schedule an Executive Session for 6:00 p.m. on April 5th.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 12:33 a.m.

Approved _____

Mayor/Councilmember

Town Clerk